

PUBLIC CHAPTER NO. 982

SENATE BILL NO. 2889

By Haynes, Ford

Substituted for: House Bill No. 2572

**By Mike Turner, West, Odom, Gilmore, Sherry Jones, Sontany,
Moore, Pruitt, Briley, Maggart, Fincher**

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 11, Part 2, relative to prohibiting forever the inspection of nursing homes by former employees.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-11-214, is amended by adding the following language as a new subsection (c):

(c)(1) The department shall not assign an individual to be a member of an inspection team for purposes of conducting an annual survey required for Medicare or Medicaid certification at a nursing home facility in which the individual works, or, at any previous time, has worked as an employee, as employment agency staff at the facility, or as an officer, consultant, or agent for the facility to be inspected. Prior to being employed by the department, all such individuals shall be required to disclose any previous employment at any and all nursing home facilities, including employment as an employee, as employment agency staff, or as an officer, consultant or agent.

(2) The department shall not assign an individual to lead an inspection team conducting an inspection as a result of a complaint filed against a nursing home facility if the individual works, or, at any previous time, has worked as an employee, as employment agency staff at the facility, or as an officer, consultant, or agent for the facility to be inspected.

(3)(A) The department shall not assign an individual to be a part of an inspection team conducting an inspection as a result of a complaint filed against a nursing home facility if the individual works, or, at any previous time, has worked as an employee, as employment agency staff at the facility, or as an officer, consultant, or agent for the facility to be inspected.

(B) Notwithstanding the provisions of subdivision (c)(3)(A) above to the contrary, the commissioner may allow for exceptions to the provisions of subdivision (c)(3)(A) if the commissioner deems it necessary for the immediate protection of the health, safety or welfare of residents of a nursing home.

SECTION 2. This act shall take effect July 1, 2008, the public welfare requiring it.

PASSED: May 6, 2008



RON RAMSEY
SPEAKER OF THE SENATE



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 21st day of May 2008



PHIL BREDESEN, GOVERNOR